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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,959	09/12/2003	Donald Fedyk	120-142	8403

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EXAMINER
NALVEN, ANDREW L

ART UNIT	PAPER NUMBER
2134	

NOTIFICATION DATE	DELIVERY MODE
03/18/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
	10/661,959	FEDYK ET AL.
Office Action Summary	Examiner	Art Unit	
	ANDREW L. NALVEN	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 January 2008*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,6,10,12 and 16* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1,2,6,10,12 and 16* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *12 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

DETAILED ACTION

1.   Claims 1, 2, 6, 10, 12, and 16 are pending.

Response to Arguments

2.   Applicant's arguments with respect to claims 1, 2, 6, 10, 12, and 16 have been considered and are not persuasive.

3.   Applicant argues on pages 5-6 that Chandran fails to teach teaches transforming the packet using the group identifier. Examiner respectfully disagrees. Chandran teaches teaches transforming the packet using the group identifier (Chandran, column 2 lines 1-7, MPLS-VPN tag used for security policies on the traffic) by teaching that the MPLS/VPN tag is used as a basis for the application of security where the system views the MPLS/VPN tag as identifying traffic that belongs to a particular ISP. In other words, the MPLS/VPN tag identifies a group in the form of an ISP and using this identifier security is applied to packets. Applicant further attacks Chandran by alleging that Chandran merely provides a cursory statement but fails to explain what sort of security is applied, how it is applied, and where it is applied. This argument is unpersuasive for two reasons. First, the claims as currently presented do not provide any limitations detailing the what and how of the security application process. Second, Chandran is merely being relied upon to teach the use of a group identifier in order to complete a

transformation. Chandran was not relied upon to provide any limitations directed to the where question.

4.   Applicant further argues that the combination of Hoke and Chandran would change the principle operation of Hoke's system thus rendering the combination improper. Examiner respectfully disagrees. Hoke's system is directed do a method for communications using VPNs where processing is completed according to specified virtual network parameters (Hoke, Abstract). Examiner has relied upon Chandran to teach a different and advantageous virtual network parameter for use in processing data packets. The adding or modifying of additional virtual network parameters would not render the system of Hoke inoperative and thus Examiner maintains that the combination is not improper.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 1, 2, 6, 10, 12, and 16 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Hoke et al US Patent No. 6,701,437 in view of Hama US Patent No. 7,072,346.

6.   **With regards to claim 1**, Hoke teaches receiving at the ingress point of the

backbone (Hoke, column 16 lines 23-31, VPN unit receives) group security association

data associated with the group of stations (Hoke, column 16 lines 23-31, Figures 7 and

8), receiving a packet at the ingress point of the backbone (Hoke, column 7 lines 46-53,

VPN unit receives packet), a packet including an identifier corresponding to the group of

stations and a destination address for the packet (Hoke, column 7 lines 46-53,

addressed to the VPN, encapsulation includes destination address), transforming, at the

ingress point of the backbone, the packet according to the group security association

associated with the identifier (Hoke, column 7 lines 46-53, column 9 lines 18-34 and

column 9 lines 60-67) and forwarding the transformed packet over the backbone using

the group identifier as a backbone address (Hoke, column 7 lines 46-58, strips off).

Hoke fails to teach the packet including a group identifier and a destination for the

packet and the ingress point being a provider edge device. However, Hama teaches

receiving a packet including a group identifier and a destination for the packet and

forwarding the transformed packet using the group identifier (Hama, column 10 lines 25-

53, destination address contained in the packet, when packet enters…VID contained in

tag) wherein the ingress point is a provider edge device (Hama, Abstract, edge routers

provided between the MPLS network and VLANs for interfacing between two).

Chandran teaches transforming the packet using the group identifier (Chandran, column

2 lines 1-7, MPLS-VPN tag used for security policies on the traffic). At the time the

invention was made, it would have been obvious to a person of ordinary skill in the art to

utilize Hama and Chandran's method of using group identifiers because it offers the

advantage of allow terminals belong to the same VLAN to communicate with each other

regardless of where they are installed (Hama, column 2 lines 4-20) and because it

offers the advantage of allowing the application of different security and routing

treatment to multiple traffic flows being transmitted over a shared link (Chandran,

column 1 lines 55-67).

7.   **With regards to claim 2**, Hoke as modified teaches retaining fields of the packet

needed to transfer the packet to the destination address over the backbone (Hoke,

column 7 lines 47-57, encapsulates).

8.   **With regards to claims 6, 10, and 12**, Hoke teaches receiving, at the egress

point of the backbone, group security association data for the group (Hoke, column 16

lines 23-31, VPN unit receives), receiving a packet at the egress point of the backbone,

restoring the packet responsive to the group security association data associated with

the group (Hoke, column 7 lines 47-57, strip off), and forwarding the packet to the

destination (Hoke, column 7 lines 55-57). Hoke fails to teach the packet including a

group identifier and a destination for the packet and the egress point being a provider

edge device. However, Hama teaches receiving a packet including a group identifier

and a destination for the packet (Hama, column 10 lines 25-53, destination address

contained in the packet, when packet enters…VID contained in tag) wherein the egress

point is a provider edge device (Hama, Abstract, edge routers provided between the

MPLS network and VLANs for interfacing between two). At the time the invention was

made, it would have been obvious to a person of ordinary skill in the art to utilize

Hama's method of using group identifiers because it offers the advantage of allow

terminals belong to the same VLAN to communicate with each other regardless of where they are installed (Hama, column 2 lines 4-20).

9.   **With regards to claim 13**, Hoke as modified teaches the group comprising at least three stations (Hoke, Figure 1).

10.   **With regards to claim 16**, Hoke as modified teaches the means for securing data includes transform logic for encrypting only a portion of data transferred between the ingress point and the egress point of the communication link (Hoke, column 9 lines 61-67, encapsulated portion of data is encrypted, but not VPN headers).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW L. NALVEN whose telephone number is (571)272-3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571 272 3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew L Nalven/
Examiner, Art Unit 2134

/Kambiz Zand/
Supervisory Patent Examiner, Art Unit 2134